

ADOT JPA File No.: 04-001-Amendment Two
AG Contract No.: KR04-1724TRN
Section: SR-260 @ Gila County Yard
TRACS No.: H643301C
Budget Source Item No.: 73306

AMENDMENT TWO
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
GILA COUNTY, ARIZONA

THIS AGREEMENT is entered into April 26th, 2007, Attorney General No. KR04-1724TRN, Amendment One filed with the Secretary of State, February 28, 2007, File No. 27514, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and GILA COUNTY, ARIZONA, acting by and through its BOARD OF SUPERVISORS (the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.
2. The County is empowered by Arizona Revised Statutes Section 11-952 to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the County.

THE PARTIES HERETO AGREE TO AMEND THIS AGREEMENT 04-001 due to increase of construction project costs:

Recital 3 estimated project costs shall be amended to read **\$620,000.00** instead of **\$515,000.00**. The County shall continue to be responsible for the County's proportionate share of fifty-percent (50%) of the total cost of the Project.

Amend language to reflect invoicing the fifty-percent of total costs of the Project. The Parties agree to amend the following language Under (3) of the Recitals and Under the Scope of Work; II.1.c and II.2.c. & d. All other terms and conditions of the original Agreement and Amendment One shall remain in force and effect.

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

NO. 27514
Filed with the Secretary of State
Date Filed: 4/26/07
Janice K. Brewer
Secretary of State
By: [Signature]

II. SCOPE OF WORK

1. The State shall:

The County's estimated proportionate amount shall be deleted and the following language shall read in paragraph 1.c:

c. After bid advertisement and prior to bid opening, invoice the County for the County's proportionate share of fifty-percent (50%) of the total cost of the Project.

2. The County shall:

The County's estimated proportionate amount shall be deleted and the following language shall read in paragraph 2.c & d:

c. Be responsible for fifty-percent (50%) of the Project's total construction cost for the intersection improvement of State Route (SR) 260 at Gila County Road Milepost (MP) MP 257.

d. After bid advertising and prior to bid opening, pay the State for its proportionate share of fifty-percent (50%) of the total cost of the Project within twenty (20) days of receipt of invoice.

ALL OTHER TERMS AND CONDITIONS of the Original Agreement and Amendment One shall remain in force and effect.

All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Department of Transportation
Joint Project Administration
205 S. 17th Avenue, MD 616E
Phoenix, AZ 85007

Gila County
Public Works Director
1400 East Ash Street
Globe, AZ 85501

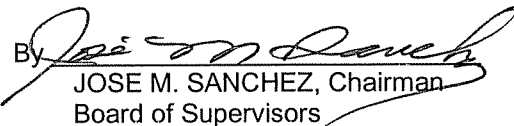
Pursuant to Arizona Revised Statutes Section 11-952(D), attached hereto and incorporated herein, is the written determination of each parties legal counsel that the parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.


IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

GILA COUNTY, ARIZONA

STATE OF ARIZONA

Department of Transportation

By 
JOSE M. SANCHEZ, Chairman
Board of Supervisors

By 
DOUG A. FORSTIE, P.E.
Deputy State Engineer

ATTEST

By 
STEVE BESICH
Clerk of the Board


G: Gila Cnty SR 260 improvements
Amendment Two- First draft March 5, 2007-ly
Final Amendment Two 3-26-07

**GILA COUNTY
ATTORNEY APPROVAL FORM**


FOR JPA 04-001
AMENDMENT TWO

I have reviewed the above-referenced Intergovernmental Agreement between the STATE OF ARIZONA DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and GILA COUNTY acting by and through its BOARD OF SUPERVISORS, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. Sections 11-951 through 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to GILA COUNTY under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 2nd day of April, 2007.



County Attorney

<p>TERRY GODDARD Attorney General</p>	<p> OFFICE OF THE ATTORNEY GENERAL STATE OF ARIZONA</p>	<p>CIVIL DIVISION TRANSPORTATION SECTION Writer's Direct Line: 602.542.8855 Facsimile: 602.542.3646 E-mail: Susan Davis@azag.gov</p>
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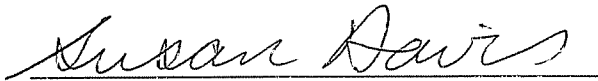
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR04-1724TRN (**JPA 04-001, Amendment No. Two**), an Agreement between public agencies, i.e., The State of Arizona and Gila County, Arizona, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: April 19, 2007

TERRY GODDARD
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:mjf:1009720
Attachment